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SUBJECT: UKRAINE: RADA PREPARES TO VOTE ON TYMOSHENKO'S PM CANDIDACY

REF: A. KYIV 2967

[¶](#)B. KYIV 2923

Classified By: Political Counselor Kent Logsdon for reasons 1.4(a,b,d).

[¶1.](#) (C) Summary: In a move that surprised many, especially the parliamentary opposition, on December 6, President Yushchenko submitted the nomination of Yuliya Tymoshenko to the Rada for a vote, just hours after receiving her nomination from the orange coalition via newly-elected Rada Speaker Yatsenyuk. According to press reports, Yushchenko will no longer insist on the adoption of 12 pieces of legislation by the Rada prior to supporting a vote on Tymoshenko's candidacy; Yushchenko announced this to the press after meeting with Tymoshenko soon after he forwarded her nomination back to the Rada. However, he continues to insist on adoption by the Rada of the 12 bills and could make this a condition of his support for a Rada vote on the rest of the Cabinet. A vote on Tymoshenko's candidacy could come at 4 pm when the Rada resumes its session; however, according to statements made by representatives of the orange factions, a vote is unlikely to take place today and it is expected that Yushchenko would honor tradition and be in the Chamber when a vote takes place. Opposition deputies acknowledge that the President's approval of the nomination caught them by surprise and confirmed that they have no plans to blockade the rostrum or disrupt the vote for PM.

[¶2.](#) (C) Comment: Yushchenko's quick action and apparent flexibility in moving ahead with a vote for Tymoshenko's candidacy as Prime Minister before the adoption of the 12 laws (noted ref a) means that a Tymoshenko-led government may be close to reality. Once again the orange coalition will need all of its members in the chamber in order to ensure a successful vote, although top BYuT leaders are hinting that others outside of the coalition (namely Lytvyn's bloc) might also support Tymoshenko's candidacy. At this point, Regions looks shell-shocked and is apparently content to let the orange coalition take its best shot at forming a government. Should Tymoshenko's vote be successful, we urge that Washington consider calls to Tymoshenko and possibly President Yushchenko in order to congratulate the new government and to express our commitment to working together on key issues in the bilateral relationship. End Summary and Comment.

Yushchenko Puts Tymoshenko's Candidacy Before the Rada

[¶3.](#) (SBU) When newly-elected Rada Speaker Yatsenyuk opened the December 6 session, it looked unlikely that there would be much progress made toward forming a new government. Although Yatsenyuk began with the announcement that he had forwarded Yuliya Tymoshenko's name to the President as the

coalition's candidate for Prime Minister, as required by the Constitution, few expected an immediate response. (Embassy Note. The President has 15 days after receiving a nomination for prime minister to consider it before sending it back to the Rada for a vote. End Note.) The Rada began with a discussion of how best to move ahead with forming committees, taking a break soon after opening to discuss how best to proceed, with the suggestion that the Rada would break for a few days to finalize plans. In the opening comments, representatives from Tymoshenko's BYuT and Our Ukraine-People's Self Defense also proposed that a special commission be set up, in parallel to the ongoing work of establishing committees, to review the 12 pieces of legislation proposed by the President as part of the coalition agreement. Representatives of the opposition parties objected to this proposal, urging that the Rada focus on setting up its own committees first.

¶4. (C) After a short delay, Yatsenyuk returned to the Chamber to announce that President Yushchenko had sent Tymoshenko's name to the Rada for consideration as the next Prime Minister. The speed of Yushchenko's response took many by surprise, especially in the opposition. Coalition members greeted the announcement with jubilation, giving Tymoshenko (in the Chamber without her signature braid) a huge round of applause. Yatsenyuk then suggested that the Rada's coordinating council (representatives of all the factions who set the agenda for the Rada meetings) meet again at 3 pm in order to set the agenda for a full session of the Rada at 4 pm. Meanwhile, he would consult with the President about a date for his presentation of his candidate for the premiership in the Rada. (Embassy note: By tradition, the President will be present when the PM candidate is presented to the Rada; although this is not required by Rada rules or the Constitution. End note.) BYuT deputies told us that immediately after the announcement, Tymoshenko had left the

Rada and headed for the President's office. According to BYuT deputy Lyashko, her goal was to convince Yushchenko to allow the vote for PM to go ahead before getting Rada approval for the President's 12 pieces of legislation.

Moving Toward a Vote

¶5. (C) A short time after Tymoshenko's meeting with Yushchenko, the President made a statement noting that he was prepared to allow the vote on Tymoshenko's nomination to go forward before a vote was taken on his 12 pieces of legislation. However, he also noted that he would be in touch with Speaker Yatsenyuk about the legislation, noting that it should only take 1-2 days of legislative work in order to pass all 12. Yushchenko implied that he might support a coalition decision to have the vote on Tymoshenko's candidacy, but then insist on Rada consideration of the 12 pieces of legislation before he gave his go-ahead for a vote on the rest of the Cabinet. Top OU-PSD leader Roman Zvarych told polcouns that the orange proposal to create a special commission to review this legislation, even before Rada committees were formed, was completely legal according to the Constitution, predicting that the opposition would be unable to stop the quick review and passage of all of the bills.

¶6. (C) Outside the Rada, Tymoshenko's top deputy Oleksandr Turchynov told the press that a vote on Tymoshenko's candidacy was unlikely to happen today (December 6), but would come soon. However, BYuT deputy Lyashko was confident that a vote would take place immediately now that the President had signaled his approval by returning the nomination to the Rada so quickly. Turchynov also told the press that Tymoshenko's nomination would be approved by a larger majority than the 227 votes received by Yatsenyuk as Speaker, implying that others beyond BYuT and OU-PSD might be considering supporting the coalition, namely the 20 deputies of the Lytvyn Bloc.

¶7. (C) Volodymr Lytvyn himself told the press that he was considering supporting the orange coalition, but only if the

coalition agreed to adopt his bloc's program -- something that had not yet taken place. However, Regions' deputy Lukyanov, reflecting the concerns of many in the opposition, told polcouns that there was now evidence that Lytvyn was beginning to lean toward the orange side and that members of his bloc could vote for Tymoshenko if and when her candidacy came up for a vote.

¶8. (C) Throughout the morning, Regions deputies looked increasingly dispirited as the orange coalition moved toward a vote for Tymoshenko as PM. Yuriy Miroshnychenko told polcouns that Regions had been completely surprised by the President's decision to return Tymoshenko's nomination back to the Rada so quickly. However, he also assured polcouns that Regions had no plans to block the process of the formation of an orange government, and would not block the rostrum or obstruct proceedings.

¶9. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.

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